

NOTICE OF PUBLIC HEARING DELTA COUNTY LAND USE CODE UPDATE

NOTICE IS HEREBY GIVEN that the Planning Commission of Delta County, Colorado, will hold a public hearing on the Delta County Land Use Code Update, which is an amendment to the 2024 Delta County Land Use Code currently in effect:

Project Overview: Review of the Land Use Code Update as prepared by the Planning Commission. Since early 2025, Delta County has held multiple Work Sessions and public hearings to consider amendments to the 2024 Delta County Land Use Code, adopted on February 22, 2024. Amendments include:

- ACCEPT comprehensive regulatory standards governing Battery Energy Storage Systems (BESS).
- ACCEPT specific zoning standards for natural medicine healing centers, cultivation, manufacturing, and testing facilities.
- CLARIFY the Board of Adjustment's authority to grant variances for roadway design and construction standards. (Chapter 1, Section 6, C.3.a.)
- REVISE intensive agriculture setback reduction regulations to eliminate text ambiguities regarding how residential uses and property lines are defined and measured. (Chapter 2, Section 4.A.11.)
- AMEND variation to lot size clauses to correct conflicting language regarding minimum acreages and to clarify how the rules apply to minor plat subdivisions. (Chapter 3, Section 1.A.)
- CLARIFY that building setbacks from roadways must be measured specifically from the edge of the right-of-way rather than the physical edge of the road. (Chapter 3, Section B. 2. a.)
- REVISE road paving mandates within Growth Management Areas to defer to specific Intergovernmental Agreement terms rather than automatically requiring paving. (Chapter 4, Section 2, E.)
- ALIGN the code with the County GIS road naming standards. (Chapter 4, Section 2, F.1.)
- ELIMINATE unnecessary traffic impact study requirements for minor plat subdivisions to streamline the review process for low-impact developments. (Ch. 5, Section 1, A.2.)
- ALLOW non-residential developments to use hauled water for cisterns under specific criteria, without needing to obtain a hardship variance before the Board of Adjustment. (Chapter 5, Section 3.)
- RESOLVE an internal contradiction regarding private maintenance agreements to clarify the County's non-enforcement policy. (Chapter 6, Section 5.C.)
- COMPLETE an unfinished sentence in the nonconformities section to ensure clear protections for construction activities commenced prior to the effective date of the code. (Chapter 11, Section 1.A.2.a.)
- HARMONIZE flag lot standards across multiple code chapters. (Sections in Chapters 3 and 12)
- INCREASE the petition signature threshold for final plat vacations to one hundred percent of subdivision lot owners to protect remaining owners' established property rights. (Chapter 12, Section 6.B.)
- REMOVE the Board of Adjustment appeals process section from the code to align with Colorado state statute, directing all subsequent appeals to the district court instead of the Board of County Commissioners. (Ch. 9, Section 4.)
- ELIMINATE an obsolete regulatory term from the subdivision and definitions chapters that only referenced the deleted Board of Adjustment appeals section. (Sections in Chapters 12 and 14)
- IMPLEMENT mandatory Site Plan Reviews for all "Allowed Uses" to prevent landowners from independently proceeding with unlawful nonconforming developments or omitting necessary permits. (Chapter 8, Section 1.A.)
- REVISE overly restrictive residential setbacks for Rural Medium and Heavy Industry to establish achievable minimum distances. (Chapter 2, Section 4.C.3.)
- ESTABLISH comprehensive standards, explicit permitting thresholds, and clear exemptions for temporary special events. (Chapter 2, Section 2.B.)
- ALIGN Board of Adjustment voting requirements with state statute by adopting a majority vote standard for general variances while retaining statutory counts for administrative reversals. (Chapter 1, Section 6.4)

The Delta County Land Use Code Update and related documents are available for review electronically on the County website: www.DeltaCountyCO.Gov/LandUseCodeUpdate

A hard copy of the Delta County Land Use Code Update (including proposed updated zoning maps) can be made available for review upon request at the Planning Department (295 W 6th Street, Delta, Colorado 81416).

Hearing Date, Time, Place: This Planning Commission will hold a public hearing to consider a certified draft of an amended Delta County Land Use Code to forward to the Board of County Commissioners on: Wednesday, July 29, 2026, starting at 5:30 p.m., located in the Roubideau Room of the Delta County Human Services Building at: 320 W 5th St., Delta, CO 81416

QUESTIONS/COMMENTS: The Planning Commission will consider comments that have been submitted and will accept public input on all aspects of the Delta County Land Use Code Update. Any and all persons interested in participating in the public hearing on the project are encouraged to attend or submit comments. You can submit comments by filling out the comment forms provided next to each amendment on the website. Alternatively, comments can be sent to planning@deltacountyco.gov or submitted in hard copy to: Delta County Planning Department, 295 W 6th Street, Delta, CO 81416. If you have any questions, please contact the Planning Department at (970) 874-2110. If you would like to be notified of the Planning Commission or Board of County Commissioners agendas, we recommend subscribing to the 'Notify me' emails in the Agenda Center. If you wish to subscribe, you can do so here: <https://www.deltacountyco.gov/list.aspx>.